

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 14, 1949

10:50 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call:

Present: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Absent: None

Councilman-elect W. S. (Bill) Drake and Councilman-elect Stuart Mac-Corkle were present also.

Present also: Guiton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; J. E. Motheral, Directory of Public Works; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Councilman Johnson, seconded by Councilman Bartholomew, moved that all City employees who wish to attend church services on Good Friday, from 12 noon to 3 P. M., be allowed to do so, without such time being charged against them. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

After the report of the City Manager on the results of his meeting with the Citizens Committee appointed by the Council to study the operation of the City Coliseum, the rates to be charged, and such other matters as may be pertinent to the proper operation of the Coliseum, the Council discussed the suggested rates and the uses of the Coliseum; also how the concession should be handled.

Councilman Johnson moved that the City Manager be instructed to have a resolution prepared, for approval at the next meeting, setting up the rates to be charged for the use of the City Coliseum, and such other matters as may be pertinent to the proper operation of the Coliseum; also to advertise for bids on the concession at the Coliseum, to be opened April 28, 1949.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

The Mayor suggested that at least 1,000 additional chairs be purchased for the City Coliseum so as to take care of large crowds.

The City Manager read the following memorandum he had received from J. E. Motheral, Director of Public Works.

"April 13, 1949

Memorandum to: Guiton Morgan, City Manager

Memorandum from: J. E. Motheral, Director of Public Works

Bids were received Tuesday for the construction of sanitary sewer Contract "O" which is in Waller Creek, from East 7th Street to East 26th Street. The bids were as follows:

Joe Bland Construction Co.	\$ 248,581.35
Taylor Construction Co.	269,980.00
Karl Wagner	276,441.10

Our estimate on this project was \$162,018.00, in which we allowed a substantial amount of risk against floods and other factors beyond our control. I am at a loss to explain the wide difference between our estimate and the low bid, but we feel sure that we can do the job with our own forces well within our estimates.

(Sgd) J. E. Motheral."

After discussing these bids with the Council, the City Manager stated that he wanted to check further before he made his recommendation because of the great difference between the low bid and the City's estimate of the cost of this work. He believed he could have this recommendation ready for the next week's meeting.

Councilman Glass moved that the following applications for change of zoning be set for public hearing on May 5, 1949, at 11 A. M:

Mrs. E. M. Barton by Harrison, Wilson and Pearson, change from "A" Residence to "C" Commercial, the following property: Lot 6, Block 15, Division B, and Lot 7, Block 16, Division B, known as 1400-1401 Cedar Avenue, Austin.

Board of Adjustment RECOMMENDED this change.

W. Murray Graham by T. D. Quinn, change from "A" Residence to "C" Commercial, the following property: Lots 38-56, Allandale, Section 1, known as the 5700 and 5800 blocks of Burnet Road and the 5700 and 5800 blocks of Montview, Austin.

Board of Adjustment RECOMMENDED this change.

Jake Silberstein by T. E. Wiley, change from "C" to "C-1", the south half of Lot 23, Outlot 55, Division B, known as 1014-1016 East 11th street, Austin.

Board of Adjustment did NOT recommend this change.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Johnson moved that the following application for a change in zoning be referred to the Board of Adjustment for consideration and recommendation:

Dee Thompson, 4613 Duval, change from "A" Residence to "C" Commercial, the following property: Lots 17, 18, 19, 20, Block 8, The Highlands, located at 5012 and 5014 Caswell Avenue.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Long moved that the following application for a taxicab terminal Operator's license, duly approved by the City Manager, be approved:

J. T. Votaw, 2805 East Avenue, Green Frog Taxi Co., 519 West 6th st.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Johnson moved that the following applications for taxicab Operator's permits, duly approved by the City Manager, be granted:

Troy Franklin, (Col),	2114 Leona	1946 Tudor Ford Sedan, Motor No. 99A-928723, Title No. 5414231, License No. KM-1676.
Melvin M. Stevenson,	110 E. Johanna,	1946 Chevrolet Sedan, Motor No. DAA3123, License No. KM-4189
Gilbert Stromquist,	803 E. 14th st.,	4door Ford Sedan, 1947 model, Motor No. 1910241, License No. KK-238
J. T. Votaw,	2805 East Ave.,	1941 Chevrolet Sedan, Motor No. FCM302762, License No. KJ-8521
Junius Woods, Jr.,	1191 Chestnut,	1941 Super deLuxe Ford Sedan, Motor No. 6473146, License No. KM2598

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Bartholomew moved that the following applications for taxicab Driver's permits, duly approved by the City Manager, be granted:

Fred Alexander (col)	1108 Northwestern
Donald H. Ayers,	1303 San Antonio
Chas. C. Cain (col)	2901 Cole street
Frank Powell (col)	2522 Rosewood
Jack C. Miller,	1710 Giles street

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Johnson moved that the following applications for beer and wine permits, duly approved by the City Manager, be granted:

Acapulco Cafe, P. B. Mercado, 723 East 6th street

Hi-De-Ho Club, Sam O. Foster, 1203 Chicon street

Bill Horton's Barbecue Market, E. C. Horton, 2714 East 1st street

Salazar Bar, Hermenia Salazar, 1904 East 7th street

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Glass moved that the following application for a Retail Dealer's "On Premises" Beer License, duly approved by the City Manager, be granted:

Blue Dahlia, W. A. Everhart, 219 Congress Avenue

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Glass moved that the following application for a Package Store Permit, duly approved by the City Manager, be granted:

G. K. and Stella Holtz, 129½ West 7th street

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

The Mayor called up for its third reading, the following ordinance:

AN ORDINANCE GRANTING TO THE SOUTHWESTERN BELL TELEPHONE COMPANY, A CORPORATION, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE A TELEPHONE BUSINESS AND SYSTEM IN THE CITY OF AUSTIN, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

The ordinance was read the third time and Councilman Glass moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

The Mayor then announced that the ordinance had been finally passed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$7,500.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of providing a clothing allowance for all uniformed officers in the Police and Fire Departments, as an offset against wear and tear incident to their duties and the additional cost of providing special uniform equipment required in the performance of their duties in the amount of \$20.00 each in the Fire Department and \$30.00 each in the Police Department, same to be payable July 1, 1949 for the last six months of the current fiscal year, and thereafter annually at the rate of \$40.00 each in the Fire Department, and \$60.00 each in the Police Department, payable semi-annually on January 1st and July 1st, provided, however, that in each fiscal year funds for this payment are available and the amount therefor is appropriated by the City Council in each annual Budget.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFICE UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTIONS 12(a) AND 12(b) OF ARTICLE III, RELATING RESPECTIVELY TO SIGNAL LIGHT AND STOP SIGN LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew moved that the rule be suspended and the ordinance passed to the second reading. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

The ordinance was read the second time and Councilman Bartholomew moved that the rule be suspended and the ordinance passed to the third reading. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

The ordinance was read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

The Mayor then announced that the ordinance had been finally passed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Walter Staehely, for the laying of certain water mains and other pipes in Bannister Acres, Section II, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of contract attached to Resolution)

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on the tax roll for the year 1947 improvements on Lot 10, Re-subdivision of Lots 21, 22 and 23, Block A, Northgate Addition, Plat 315, Item 3-10, belonging to Clyde O. Johnson, were assessed at a valuation of \$630.00; and

WHEREAS, there were no improvements on said lot as of January 1, 1947; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Tax Assessor and Collector be authorized, and he is hereby so directed, to remove said erroneous assessment from the tax roll for the year 1947.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on the tax roll for the year 1947 improvements on Lot 11, Re-subdivision of Lots 21, 22 and 23, Block A, Northgate Addition, Plat 315, Item 3-11, belonging to Charlie E. Walker, were assessed at a valuation of \$630.00; and

WHEREAS, there were no improvements on said lot as of January 1, 1947; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Tax Assessor and Collector be authorized, and he is hereby so directed, to remove said erroneous assessment from the Tax Roll for the year 1947.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the University Baptist Church acting by and through Sebastian-Fulcher Air Conditioning Company has presented to the City Council of the City of Austin, a request for permission to construct, maintain, and operate pipe for air conditioning system across San Antonio Street Alley at a location approximately 44 feet south of the south line of West 22nd Street; and

WHEREAS, the Director of Public Works has recommended that said installation be approved and the City Council of the City of Austin has reviewed and considered said recommendation; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the University Baptist Church, acting by and through Sebastian-Fulcher Air Conditioning Company, be and the same is hereby permitted to install pipe for air conditioning system, across San Antonio Alley at a location approximately 44 feet south of the south line of West 22nd Street.

The construction, maintenance and operation of the aforesaid air conditioning system shall be carried out at the expense of the applicant and under the direction and supervision of the Director of Public Works of the City of Austin, or his duly authorized representative, and shall be placed in concrete pipe, the diameter of which pipe shall be 24" and shall have a minimum cover of 12" and shall be so constructed that said air conditioning system may be repaired and maintained without ever disturbing any alley pavement now in place, and in the acceptance of this permit the said University Baptist Church acting by and through Sebastian-Fulcher Air Conditioning Company, assume all damages which may occur to public or private property by virtue of this air conditioning system being placed across San Antonio Street Alley at the location above described.

It is further understood that any damages whatsoever caused by existing utilities during the course of construction, maintenance or operation of said air conditioning system shall be paid for by the applicant above named.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property situated on the east side of Rio Grande Street as a private gasoline plant, which property is owned by the American Taxi Company, and is designated as Lot 1, Block 50, of the Original City of Austin, Travis County, Texas, and hereby authorizes the said American Taxi Company, through Mr. Frank Morgan, Manager, to operate a private gasoline plant consisting of a 2000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, subject to the

same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said American Taxi Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.
(Recommendations attached to resolution).

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

The Board of Equalization made their final report on valuations which had been protested by various property owners and which the Council had instructed the Board to reinspect. Their first report was made on February 17, 1949, and the second on February 24, 1949.

The following are the changes recommended:

Dr. T. J. McElhenny property located at Windsor Road East and Rainbow Bend, the following change:
Item 99, Lot 41, Recalculated to change from \$3,790.00 assessed to \$1,980.00 assessed, retroactive to 1947.

KURT MEYER property located at:

708 Highland, increase discount to 35%.

1513 Woodlawn, change \$2,120.00 to \$1,950.00 - 5% additional discount - reduced \$170.00.

Councilman Johnson moved that the above changes in assessment valuations be made and the City Tax Assessor and Collector be directed to make such changes on his books. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

On motion of Councilman Johnson, duly seconded, the City Council unanimously voted to hold the regular meeting for next week on Wednesday instead of Thursday for the reason that Thursday, April 21, 1949, is "San Jacinto Day", a legal holiday (Anniversary of the Battle of San Jacinto, April 21, 1836).

There being no further business, on motion of Councilman Glass, the meeting was recessed at 12:45 P. M., subject to call of the Mayor.

APPROVED:

Tom Miller

Mayor

ATTEST:

Acting City Clerk